

1-1 By: Turner of Tarrant, et al. H.B. No. 2539  
1-2 (Senate Sponsor - Davis)  
1-3 (In the Senate - Received from the House May 9, 2013;  
1-4 May 9, 2013, read first time and referred to Committee on Criminal  
1-5 Justice; May 17, 2013, reported favorably by the following vote:  
1-6 Yeas 7, Nays 0; May 17, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Carona	X		
1-12	Hinojosa	X		
1-13	Patrick	X		
1-14	Rodriguez	X		
1-15	Schwertner	X		

1-16 A BILL TO BE ENTITLED  
1-17 AN ACT

1-18 relating to requiring computer technicians to report images of  
1-19 child pornography; providing a criminal penalty.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Subtitle C, Title 5, Business & Commerce Code, is  
1-22 amended by adding Chapter 109 to read as follows:

1-23 CHAPTER 109. COMPUTER TECHNICIANS REQUIRED TO REPORT CHILD  
1-24 PORNOGRAPHY

1-25 Sec. 109.001. DEFINITIONS. In this chapter:

1-26 (1) "Child pornography" means an image of a child  
1-27 engaging in sexual conduct or sexual performance.

1-28 (2) "Commercial mobile service provider" has the  
1-29 meaning assigned by Section 64.201, Utilities Code.

1-30 (3) "Computer technician" means an individual who in  
1-31 the course and scope of employment or business installs, repairs,  
1-32 or otherwise services a computer for a fee.

1-33 (4) "Information service provider" includes an  
1-34 Internet service provider and hosting service provider.

1-35 (5) "Sexual conduct" and "sexual performance" have the  
1-36 meanings assigned by Section 43.25, Penal Code.

1-37 (6) "Telecommunications provider" has the meaning  
1-38 assigned by Section 51.002, Utilities Code.

1-39 Sec. 109.002. REPORTING OF IMAGES OF CHILD PORNOGRAPHY.

1-40 (a) A computer technician who, in the course and scope of  
1-41 employment or business, views an image on a computer that is or  
1-42 appears to be child pornography shall immediately report the  
1-43 discovery of the image to a local or state law enforcement agency or  
1-44 the Cyber Tipline at the National Center for Missing and Exploited  
1-45 Children. The report must include the name and address of the owner  
1-46 or person claiming a right to possession of the computer, if known,  
1-47 and as permitted by federal law.

1-48 (b) Except in a case of wilful or wanton misconduct, a  
1-49 computer technician may not be held liable in a civil action for  
1-50 reporting or failing to report the discovery of an image under  
1-51 Subsection (a).

1-52 (c) A telecommunications provider, commercial mobile  
1-53 service provider, or information service provider may not be held  
1-54 liable under this chapter for the failure to report child  
1-55 pornography that is transmitted or stored by a user of the service.

1-56 Sec. 109.003. CRIMINAL PENALTY. (a) A person who  
1-57 intentionally fails to report an image in violation of this chapter  
1-58 commits an offense. An offense under this subsection is a Class B  
1-59 misdemeanor.

1-60 (b) It is a defense to prosecution under this section that  
1-61 the actor did not report the discovery of an image of child

2-1 pornography because the child in the image appeared to be at least  
2-2 18 years of age.

2-3 SECTION 2. This Act takes effect September 1, 2013.

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